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APPELLANT PRO SE:

SONNY HOSKINS
Bunker Hill, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

CYNTHIA L. PLOUGHE
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

SONNY HOSKINS,)	
)	
Appellant-Petitioner,)	
)	
vs.)	No. 10A01-0608-PC-368
)	
STATE OF INDIANA,)	
)	
Appellee-Respondent.)	

APPEAL FROM THE CLARK CIRCUIT COURT
The Honorable Daniel F. Donahue, Judge
Cause No. 10C01-9405-CF-76

February 27, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

Sonny Hoskins (“Hoskins”) appeals the trial court’s denial of his petition for an additional twenty-eight days of jail time credit.

We affirm.

ISSUE

Whether the trial court abused its discretion by denying Hoskins’ request for additional jail time credit.

FACTS

Hoskins was charged with attempted robbery, as a class B felony, and with being an habitual offender. He was arrested on May 17, 1994, and held until May 20, 1994, when he was released on \$10,000.00 bond. It is unclear whether Hoskins’ bond was revoked; Hoskins claims that “no jail time credit was applied after bond was revoked [sic].” (Hoskins’ Br. 3). However, as the State notes, at the sentencing hearing, defense counsel stated his belief that the bond was never revoked and the trial court agreed.

Hoskins has not submitted an Appendix with his brief. However, he advises that events subsequent to May 20, 1994, were as follows. On August 8, 1996, the State moved to alter Hoskins’ bail; and Hoskins was remanded to the Clark county jail to await trial. Hoskins’ first jury trial ended in a mistrial. His second trial commenced on April 1, 1997, and the next day, the jury returned guilty verdicts on both counts. Hoskins was initially incarcerated from May 17, 1994, until May 20, 1994, when he posted bond. Thereafter, he was again incarcerated from August 8, 1996, to April 28, 1997, his sentencing date. At his sentencing hearing, Hoskins was sentenced to ten years on the

attempted robbery charge and a ten-year enhancement on the habitual offender count, for a total sentence of twenty years in the Department of Correction. Pursuant to his sentencing, the court gave him two days of jail time credit.

On May 7, 2003, Hoskins filed a motion to amend/correct jail time credit, claiming that instead of two days of jail time credit, he should have been awarded two hundred and forty days. The court denied his motion. Again, on November 24, 2003, Hoskins filed a petition for jail time credit; this petition was also denied. Hoskins unsuccessfully moved the court two more times to correct his sentence. Finally, on March 21, 2006, Hoskins filed a “special petition for additional consideration regarding proper credit for time served in county jail awaiting sentencing after revocation of bond,” in which he requested, and was granted, two hundred and forty days of additional credit. (Hoskins’ Br. 7).

On July 12, 2006, Hoskins filed a petition for twenty-eight days of additional jail time credit. He claimed that “through inadvertence and excusable neglect, he had failed to request the actual proper jail time credit owed. . . .” and that “[h]is calculations in the March 21, 2006, filing were off by [twenty-eight] days” (Hoskins’ Br. 7). On July 19, 2006, Hoskins’ motion was denied, from which order he now appeals.

DECISION

Hoskins argues that the trial court abused its discretion when it denied his request for additional jail time credit. This request is akin to a motion to correct an erroneous sentence. *Brattain v. State*, 777 N.E.2d 774, 776 (Ind. Ct. App. 2002). When reviewing such a motion, we “defer to the trial court’s factual finding and review such decision only

for abuse of discretion.” *Id.* An abuse of discretion occurs when the trial court’s decision is against the logic and effect of the facts and circumstances before it. *Id.*

We do not reach the merits of Hoskins’ claim. We find, instead, that Hoskins has waived this issue by his failure to present a record showing any abuse of discretion by the trial court. “It is [the] Appellant’s duty to present an adequate record clearly showing the alleged error. Where he fails to do so, the issue is deemed waived.” *Thompson v. State*, 761 N.E.2d 467, 471 (Ind. Ct. App. 2002). *See McGuire v. State*, 617 N.E.2d 548, 550 (Ind. Ct. App. 1993) (holding that an appellant bears the burden of presenting this court with a record complete enough to sustain his argument). Thus, we find that the trial court’s determination was not clearly erroneous and will not set it aside.

Affirmed.

BAKER, J., and ROBB, J., concur.